IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2751 OF 2006

Dr. B. Loganathan ... Petitioner

V/s.

The Union of India & Ors. ... Respondents.

Mr. B. H. Vyas for the Petitioner.

Mr. S. R. Borulkar, PP, for the State.

Mr. Suresh Kumar for respondent 1 and 3.

CORAM : SMT. RANJANA DESAI &
ANOOP V. MOHTA,JJ.

DATED : 9th February, 2007

P.C.

We have heard Mr.Vyas, the learned counsel appearing for the petitioner. He states that the case of the petitioner is covered by the judgment of Division Bench of this Court headed by Mr.Justice D.G.Deshpande in Writ Petition No.691 of 2006 dated 15/06/2006.

2. Mr. Borulkar, learned APP seriously disputes this fact.

3. We are informed that the charge sheet is filed.

We do not want to express any opinion at this stage one way or the other on the merits of the case. The learned counsel for the petitioner seeks permission to withdraw the petition with liberty to move the Sessions Court, Palghar with an application for discharge. The petition is allowed to be withdrawn with liberty as prayed. In the peculiar facts and circumstances of the case, if any discharge application is filed, we direct the Sessions Court, Palghar to dispose of the said application, as expeditiously as possible and in any case within a period of six months from the date of its filing. We make it clear that we have not expressed any opinion on the merits of the case and the Sessions Judge shall deal with the matter independently and in accordance with law.

3. Petition is disposed of as withdrawn.

[SMT.RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]